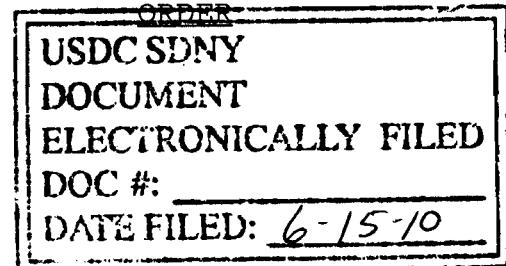


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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 UNITED STATES OF AMERICA, :
 :
 -v- : 10 Cr. 50 (JSR)
 :
 SAYED NOORALISHAH SHENGHUR, :
 :
 Defendant. :
 ----- x
 JED S. RAKOFF, U.S.D.J.



On March 8, 2010, counsel for defendant Sayed Nooralishah Shenghur raised concerns about the defendant's mental health and requested that the Court order a psychological evaluation of the defendant and conduct a competency hearing. During a joint telephonic conference on March 16, 2010, the Court approved the request and ordered that Mr. Shenghur be evaluated independently by experts for both the Government and the defense. The Government retained Dr. Cheryl Paradis, who prepared a report dated March 27, 2010, and defense counsel retained Dr. Marc Janoson, who prepared a report dated April 21, 2010. The Court then conducted a five-day competency hearing, beginning on April 30, 2010 and concluding on May 7, 2010, at which the Government submitted a number of taped conversations of Mr. Shenghur, both parties submitted ample evidence on psychological testing for competency, and the Court heard extensive testimony from both experts. Subsequently, the Government produced additional discovery from the former Immigration and Naturalization Service ("INS"), received after the close of the

hearing, and, on June 3, defense counsel applied to the Court for Mr. Shenghur's INS records to be submitted to the Court for consideration. The Court granted the application and requested that the parties provide supplemental briefing, which the parties duly submitted.

After full consideration of the evidence provided at the hearing, the recently produced INS records, and the parties' supplemental submissions, the Court concludes that defendant has "sufficient present ability to consult with his lawyer with a reasonable degree of rational understanding" and has a "rational as well as factual understanding of the proceedings against him. United States v. Nichols, 56 F.3d 403, 410 (2d Cir. 1995) (quoting Dusky v. United States, 362 U.S. 402 (1960)). Accordingly, the Court hereby finds that, by a preponderance of the evidence, Mr. Shenghur is able to "understand the nature and consequences of the proceedings against him" as well as "to assist properly in his defense," and therefore is competent to stand trial. 18 U.S.C. § 4241(a), (d).

A Memorandum Order setting forth the reasons for this ruling will issue in due course. The Court reminds the parties that trial of this case will commence on August 2, 2010.

SO ORDERED.



JED S. RAKOFF, U.S.D.J.

Dated: New York, New York
June 15, 2010